



**City of
Norfolk**

Inter Department Correspondence Sheet

TO: Members of City Council

FROM: Breck Daughtrey, City Clerk

COPIES TO: _____

SUBJECT: Minutes of City Council Meeting

April 24, 2015

Attached are the minutes of the City Council meeting held on April 14, 2015 and April 21, 2015.

Breck

NORFOLK, VIRGINIA
REGULAR SESSION OF COUNCIL

TUESDAY, APRIL 14, 2015

President Fraim called the meeting to order at 4:00 p.m. with the following members present: Ms. Graves, Ms. Johnson, Mr. Riddick, Mr. Smigiel, Dr. Whibley and Mr. Winn. Mr. Protogyrou was absent.

He stated the first item of business is a closed session.

CLOSED SESSION

Motion for closed session was approved for purposes which are set out in **Clause (s) 3 of subsection (A) of Section 2.2-3711 of the Virginia Freedom of Information Act**, as amended:

- (3) Acquisition of real property for public purpose and disposition of publicly owned real property in the area of Northampton Boulevard and Wesleyan Drive, and disposition of publicly owned real property in the downtown area.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PPEA UPDATE

Ron Williams, Deputy City Manager, reported as follows:

- Two schools are under construction; the next two will be under construction this time next year.
- The guaranteed maximum price for the four schools is \$101,075,000.
- All elements of the project are being examined and adjustments are being made to achieve cost savings in ways that do not compromise critical elements of the schools and that keep the entire project within the guaranteed maximum price.

Mayor Fraim requested the administration to review significant changes, such as fitness trails and monument signs, with Council before approving the changes.

Mr. Smigiel asked for School Board and staff to be kept informed of proposed changes.

Ms. Johnson asked to see the changes for each school.

COUNCIL INTERESTS

1. Councilman Riddick commented on police shootings throughout the country as well as locally. He suggested that there should be a penalty for police officers who forget to turn their body cameras on. In addition, he suggested a review of Taser and service weapon positioning.
2. Councilman Riddick asked that traffic concerns be addressed: a) speeding through the 800-900 block of Lexington Street and b) using Johnson Avenue the wrong way as a cut-through to O'Keefe Street.
3. Councilman Winn asked on behalf of the Police Union if dues can be withheld directly from officers' paychecks. Councilman Riddick expressed concern about setting a precedent and voiced his opposition to withholding dues from similar type organizations.
4. Councilman Winn asked the City Manager to address issues concerning micro brewer growlers vis-à-vis single serve type alcoholic beverages sold at convenience stores.
5. Councilwoman Whibley asked for more information with regard to the letter from Mary Jane Hall asking Council to nominate citizens as jury commissioners.
6. Councilwoman Whibley asked for a weekly summary on the status of development projects. In addition, Councilman Smigiel asked that the CIP link on the web site be updated and that the project meter be reestablished.
7. Councilwoman Johnson relayed that the French Sister City delegation will be coming to Richard Bowling Elementary School on April 20th and April 22nd. She invited all Council Members to attend.
8. Vice Mayor Williams-Graves asked that: a) issues related to repaving on Duck Pond Road be addressed, and b) issues related to standing water and falling trees in the 700 block of Bayberry Lane be addressed.

9. Councilman Smigiel asked: a) for an update with regard to speeding on Ocean View Avenue and b) for line repainting on Little Creek Road from Tidewater Drive to Chesapeake Boulevard.
10. With regard to the PPEA update: a) Mayor Fraim requested the Administration review significant changes such as fitness trails and monument signs with Council before approving the changes, b) Councilman Smigiel asked that the School Board and staff be kept informed on proposed changes, and c) Councilwoman Johnson asked to see the changes for each school.

ZONING ORDINANCE ASSESSMENT

George Homewood, Director of Planning, reported on this as follows:

- The project began in October 2014.
- Themes for the assessment are: 1) improve user-friendliness; 2) regulations that support resiliency; 3) support district character differences; 4) modernize development standards; and 5) refine nonconformity regulations.
- The next step is to draft the new Zoning Ordinance.

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, APRIL 14, 2015 – 7 P.M.

Mayor Fraim called the meeting to order with the following members present: Ms. Graves, Ms. Johnson, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Fraim.

Prayer offered by Councilwoman Angelia Williams Graves, followed by the Pledge of Allegiance.

President Fraim moved to excuse Mr. Protogyrou from today's meeting.

Motion adopted.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

CEREMONIAL MATTERS

President Fraim read a proclamation proclaiming the month of **April, 2015 as Child Abuse Prevention Month**. Steve Hawks, Director of Human Services, Betty Frieden, Board President of Champions for Children, Al Steward, Child Protective Services Program Manager, Andrea Long, Vice President of Counseling, The UpCenter, Pam Long, Chief Planner and Jan Callaghan, Public Information Officer, accepted the proclamation. Ms. Frieden addressed council on the issue of child abuse and thanked them for the proclamation.

PUBLIC HEARINGS

PH-1 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments authorizing the conveyance to **Norfolk Redevelopment and Housing Authority** of a certain parcel of property located at **S S Middlesex Street** for the total sum of \$15,000.00.

Thereupon, an Ordinance entitled, "An Ordinance authorizing the conveyance to **Norfolk Redevelopment and Housing Authority** of a certain parcel of property located at **S S Middlesex Street** for the total sum of \$15,000.00 in accordance with the terms and conditions of the **Purchase and Sale Agreement**; and authorizing the release of the City's right of reverter as to the property," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 15, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-2 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Nonexclusive Telecommunications Franchise Agreement with Metro Fiber Networks, Inc.**

Ellis James, 2021 Kenlake Place, expressed his concerns in regards to Cox Communications monopolizing the market.

Thereupon, an Ordinance entitled, "An Ordinance approving a **Nonexclusive Telecommunications Franchise Agreement with Metro Fiber Networks Inc.,**" was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 15, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-3 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Nonexclusive Telecommunications Franchise Agreement with Lumos Networks, Inc.**

Thereupon, an Ordinance entitled, "An Ordinance approving a **Nonexclusive Telecommunications Franchise Agreement with Lumos Networks Inc.,**" was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 15, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

REGULAR AGENDA

R-1 Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment known as ‘**The New Donut Dinette**’ on property located at **1917 Colley Avenue**,” was introduced in writing and read by its title.

Mike Basham, the applicant, 1917 Colley Avenue, was present to answer questions.

Joe Cook, 1147 Surry Crescent, stated his opposition to liquor sales at this establishment and expressed concerns regarding code violations issued on Ronnie Boone properties, The Main hotel and conference center and trucks on Hampton Boulevard.

ACTION: The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Smigiel, Whibley, Winn and Frain.

No: Riddick.

R-1A An Ordinance entitled, “An Ordinance granting a **Pedestrian Commercial Overlay District Development Certificate** to permit the construction of an outdoor dining canopy and related structure on property located at **1917 Colley Avenue**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Smigiel, Whibley, Winn and Frain.

No: Riddick.

R-2 Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of an **Automobile and Truck Repair** facility presently known as '**Granby Shell**' on property located at **4225 Granby Street**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-2A An Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of a '**Gas Station**' presently known as '**Granby Shell**' on property located at **4225 Granby Street**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-3 Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, "An Ordinance granting a **Special Exception** to permit a **Convenience Store, 24-hours** (with fuel sales) known as '**7-Eleven**' on property located at **2475 East Little Creek Road**," was introduced in writing and read by its title.

Steve Romaine, the attorney, 999 Waterside Drive, LaRae Tucker, 1211 South White Chapel, South Lake Texas, 76092 and Steve Blevins, 7700 Independence Circle Virginia Beach, 23455, were present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-3A

An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as '**7-Eleven**' on property located at **2475 East Little Creek Road**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to **Golf Management, Inc.** authorizing the operation of an entertainment establishment named '**Lambert's Point Golf Course**' on property located at **4301 Powhatan Avenue**," was introduced in writing and read by its title.

Mike Fentress, 4840 Princess Anne Road, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as '**Small's Restaurant & Catering Company**' on property located at **2700 Hampton Boulevard**," was introduced in writing and read by its title.

John Small, the applicant, 2700 Hampton Boulevard, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as '**Croaker's Spot**' on property located at **600 35th Street**," was introduced in writing and read by its title.

ACTION:

The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of an **Automobile and Truck Repair** facility on property located at **860 Avenue J**," was introduced in writing and read by its title.

Vince Powell, 860 Avenue J, was present to answer questions.

ACTION:

The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of an **Automobile and Truck Repair** facility known as '**Bay City Classics**' on property located as **3335 Croft Street**," was introduced in writing and read by its title.

Robert Darden, 5519 Iowa Avenue, was present to answer questions.

ACTION:

The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a **Gas Station** (sales only) known as ‘**BJ’s Wholesale**’ on property located at **5832 East Virginia Beach Boulevard**,” was introduced in writing and read by its title.

Randy Royall, the attorney, 4500 Main Street, Virginia Beach, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Christiane Ellis Valone** to encroach into the right of way of **Runnymede Road**, with an underground sprinkler system,” was be introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-11

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting **PBS Ghent LLC** permission to encroach into the right of way of **Omohundro Avenue** at **123 West 21st Street** approximately 480 square feet for the purpose of outdoor dining and approving the terms and conditions of the **Encroachment Agreement**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-12 Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting up to \$708,010 from **Hampton Roads Transit** as additional grant funding received from the **Commonwealth Transportation Board and the Virginia Department of Rail and Public Transportation** for the **City’s Downtown Transfer Center** and appropriating and authorizing the expenditure of the additional funds for the design and construction of the **Downtown Transfer Center**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-13 Letter from the City Attorney and an Ordinance entitled, “An Ordinance to amend and reordain **Section 38-106** and repeal **Section 38-107** of the Norfolk City Code, 1979, **SO AS TO** eliminate sectarian provisions concerning **yard or garage sales**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-14 Letter from the City Attorney advising of appointing Alex H. Pincus to the position of Assistant City Attorney I effective July 1, 2015,” was introduced in writing and read by its title.

ACTION: Appointment confirmed.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

An Ordinance entitled, "An Ordinance to schedule a **City Council meeting on Tuesday, April 21, 2015 at 4:00p.m.,**" was introduced in writing and read by its title.

ACTION:

The Ordinance as introduced was **adopted**, effective April 14, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

NEW BUSINESS

1. Frederick Rochte, 4557 East Virginia Beach Boulevard, spoke to Council in detail about the need for dredging Broadcreek waterways.
2. Yasmin Cooper, 212 West 29th Street, spoke to Council about the 4 school board members who are up for reappointment, stating that 88% of the citizens do not have faith in them and asked that they not be reappointed.
3. Thomas Calhoun, 3620 Tidewater Drive, spoke to Council about the current school board members, stating that \$1.6 million has been returned twice and that there are problems that exist amongst the school board members. He also spoke about the upcoming school board appointments and said that he will keep a watchful eye.
4. Donald Hornstein, 608 Colonial Avenue, #5, spoke about various issues related to the condition of 161 Granby Street and its delayed renovation.
5. Danny Lee Ginn, 3845 Dare Circle, spoke to Council about a recent newspaper article on Councilman Riddick.

NORFOLK, VIRGINIA

REGULAR SESSION OF COUNCIL

TUESDAY, APRIL 21, 2015

President Fraim called the meeting to order at 4:00 p.m. with the following members present: Ms. Graves, Ms. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley and Mr. Winn.

Mayor Fraim noted the purpose of today's meeting is a joint work session with the school board.

The following school board members were present, Chairman Dr. Kirk Houston, Courtney Doyle, Noelle Gabriel, M.D., Rev. Edward Haywood, Rodney Jordan, and Dr. Brad Robinson. Also present were Superintendent Dr. Samuel King and Interim Superintendent Dr. Michael Thornton.

Dr. Houston noted that Norfolk Public Schools are currently in a leadership transition. He thanked Dr. King for his guidance over the last three years. He added that, through Dr. King's innovative leadership, several transformation initiatives have been implemented including the reconfiguration of four elementary schools, the open campus, and the opening of the Academy of Discovery at Lakewood. He added that next week Dr. Thornton will become the Acting Superintendent as they move forward with plans to begin the search for a new Superintendent.

Regarding the search for a new Superintendent, Vice Mayor Williams Graves asked if Council Members could meet directly with the consultant or firm hired to conduct the search so they can provide input. Dr. Houston stated that they will be contacting the Virginia School Board Association and they will discuss how to engage the community which is a very important part of the process. He added that the Board will take into consideration how the City Council might be involved specifically.

NPS ACADEMIC UPDATE

Dr. King reported that the school system is looking for a number of schools to show improvement for this academic year.

NPS BUDGET UPDATE

Dr. Michael Thornton, Interim Superintendent, reported as follows:

- Proposed budget for FY2016 is \$317,065,231
- NPS will ask for \$4.8 million additional funding from the City of Norfolk
- Also presented was a summary of capital budget needs for FY2016-2020

TITLE I GRANT FUNDS UPDATE

Dr. King reported on steps taken in response to the situation whereby certain Title I funds were not expended within the required time and had to be sent back.

Those steps included:

- Development of an action plan
- An internal review
- An external review by the Virginia Department of Education was conducted on March 17, 2015.

CAREER TECHNICAL EDUCATION

Mr. Bishop, Executive Vice President of the Greater Norfolk Corporation, stated that in 2010, the concept grew out of a strategic planning retreat of the Greater Norfolk Corporation. In partnership with Norfolk Public Schools, they examined the potential for a high-quality full-time academic Career Technical High School. A taskforce was established which included senior executives from shipbuilding and ship repair companies and other major employers. The Greater Norfolk Corporation's role is to act as a catalyst in engaging the private sector. The model they looked at is the Worcester Technical High School in Worcester, Massachusetts.

In May of 2012, City Council provided \$500,000 in planning money for the CTE High School Study to recommend the site and to develop a preliminary conceptual design and educational program. They also looked at the cost of renovation versus building new. In May of 2013, that study was completed and the recommendation was a new state of the art Career Technical High School at Lake Taylor. Recently RRMM Architects was engaged by Norfolk Public Schools to take that initial conceptual design to the next level. The estimated cost for the facility is \$79.1 million.

Ms. Kenyetta Goshen, Senior Director of Career and Technical Education and Adult Education for Norfolk Public Schools, stated that the concept has

grown to include community leaders, parents and students along with Norfolk Public Schools and Hampton Roads industries and businesses. The curriculum will consist of rigorous core academics integrated with high-demand, high-quality CTE programs. Enrollment is expected to be 1400 to 1600 students, grades 9 through 12. There will be co-curricular sports and clubs activities. Evening usage of the facility will allow for Adult Education Services and Workforce Development Programs.

Mr. Tommy Johnson, Esq., Willcox Savage, served as Chairman of the Taskforce. He noted that, while the mantra of school systems has been “college for all,” approximately 30 percent of our high school graduates actually complete a four-year program within four to six years. Secondly, 60 percent of jobs in the high growth list in the next ten years will require an education beyond high school and require either a two year certification or industry certification. As part of the governance plan there will be a public charter initiated by the Norfolk Public School System and the school will be governed by a board of seven people who will be selected by the School Board, Norfolk City Council, Hampton Roads Community Foundation and the Greater Norfolk Corporation. The Greater Norfolk Corporation is prepared to take the leadership role in trying to raise funds for the initiative.

Mayor Fraim said he asked for this presentation, commenting council needs to move the proposal forward.

Mr. Riddick expressed concerns about the project including its cost, location and the notion of a governing board for the school.

Mr. Protogyrou said if Norfolk moves ahead on this, Virginia Beach will develop their own school and suggested there may be an opportunity to do a cooperative project with the Beach.

Mr. Smigiel stated he believes this is an important project for Norfolk but expressed concerns about the Lake Taylor location and suggested Military Circle as an option and which could stimulate economic activity.

Ms. Graves concurred with Military Circle as an alternate location and expressed support for the project. She suggested looking at providing child care.

Dr. Whibley expressed her support for the project and starting it could be just the kind of change that can transform the school system.

Ms. Johnson expressed her support for the school.

Meeting adjourned at 6:27 p.m.